



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker
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Secretary

Martin Suuberg
Commissioner

February 21, 2017

Mr. Chris Aberg
Solutia, Inc.
730 Worcester Street
Springfield, MA 01151

RE: Springfield
Transmittal No.: X272440
Application No.: WE-16-018
Class: *OP*
FMF No.: 298974
AIR QUALITY PLAN APPROVAL

Dear Mr. Aberg:

The Massachusetts Department of Environmental Protection (“MassDEP”), Bureau of Air and Waste, has reviewed your Limited Plan Application (“Application”) listed above. This Application concerns the construction and operation of a new Hydrolysis Reactor #2 and PVA Slurry Tank #3 at your chemical manufacturing facility located at 730 Worcester Street in Springfield, Massachusetts (“Facility”).

This Application was submitted in accordance with 310 CMR 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 “Air Pollution Control” regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-O, Chapter 21C, Section 4 and 6, and Chapter 21E, Section 6. MassDEP’s review of your Application has been limited to air pollution control regulation compliance and does not relieve you of the obligation to comply with any other regulatory requirements.

MassDEP has determined that the Application is administratively and technically complete and that the Application is in conformance with the Air Pollution Control regulations and current air pollution control engineering practice, and hereby grants this **Plan Approval** for said Application, as submitted, subject to the conditions listed below.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator (“Permittee”) must comply in order for the Facility to be operated in compliance with this Plan Approval.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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1. DESCRIPTION OF FACILITY AND APPLICATION

Solutia Inc. (a subsidiary of Eastman Chemical Company) owns and operates a plant in Springfield (Indian Orchard), Massachusetts that manufactures chemicals and plastic interlayers for automobile windshields, solar panels and building windows. The South Butvar Production Unit (EU 142) at Solutia employs batch processes for the manufacture of poly-vinyl butyral, trademarked Butvar®. One of the Process Units in the South Butvar Production Unit is a multi-step process identified as Emission Unit (EU) 142 S04 – *React Polyvinyl Acetate to Polyvinyl Butyral* which has historically included the following equipment:

EMISSION UNIT 142 S04, SOUTH BUTVAR PROCESS UNIT		
EQUIPMENT NAME	STACK #	CONTROL DEVICE
Hydrolysis Reactor #1	142 P656	chilled condenser
Hydrolysis Reactor #2	142 P901 (replaces 142 P657)	chilled condenser
Hydrolysis Reactor #3	142 P658	chilled condenser
Hydrolysis Reactor #4	142 P813	chilled condenser
PVA Slurry Tank #1	142 P625	chilled condenser
PVA Slurry Tank #2	142 P654	chilled condenser
PVA Slurry Tank #3	142 P902 (replaces 142 P655)	chilled condenser
Butyraldehyde Head Tank	142 P649	chilled condenser
Acetal Reactor #1	142 P652	chilled condenser
Acetal Reactor #2	142 P653	chilled condenser
Acetal Reactor #3	142 P814	chilled condenser
Acetal Varnish Storage Tank #1	142 P626	chilled condenser
Acetal Varnish Storage Tank #2	142 P627	chilled condenser

With this Plan Approval, #WE 16-018, Stack numbers 142 P657 and 142 P655 are retired and replaced with 142 P901 and 142 P902, respectively.

One of the process steps in the production of Polyvinyl Butyral is Hydrolysis. In this step, chemicals are reacted and treated for further processing. The project that is the subject of this Limited Plan Application involves the replacement of two (2) tanks, Hydrolysis Reactor #2 and PVA Slurry #3, that are integral to the Hydrolysis step. Both tanks have reached the end of their useful life; Hydrolysis Reactor #2 is over 30 years old and PVA Slurry #3 is over 40 years old.

The tank replacement project will be completed by making like-kind replacements of the tanks. The jacketed stainless steel replacement tanks are the same size and capacity of the existing tanks. There will be no change to the current process operating or design parameters and no increase in throughput. Specifications for the tanks are included in Table 1.

The four (4) Hydrolysis Reactors and three (3) PVA Slurry tanks in EU 142 S04 have requirements according to Plan Approval PV-87-IF-023, dated March 22, 1988 and Transmittal #46118, dated January 15, 1993 (with amendment and clarification on February 1st and 19th of

1993, respectively). Emission Unit 142 S04 is on a cooling loop supplied by one of two FRICK/RECO packaged refrigeration units (chillers). Plan Approval #1-P-07-024 (8/28/2007) established a new operating temperature of 29°F for the glycol chilled condenser cooling loop. Various components on Emission Unit 142 S04, including the mechanical seals on each hydrolysis reactor and PVA slurry tank, are periodically checked for leaks as required.¹

This LPA Approval does not seek to modify any of the existing Approvals applicable to EU 142 S04. This LPA, however, does impose conditions on the chiller system that is common to the equipment being replaced as part of this LPA (i.e. Transmittal X272440) as well as other existing equipment and emissions units that are not being modified as part of this LPA. For consistency and clarity, Solutia has proposed that the Monitoring and Testing, Recordkeeping, Reporting and Special Conditions in Tables 3 through 6 that specifically relate to the common chiller system supersede all previous conditions for Monitoring and Testing, Recordkeeping, Reporting and Special Conditions that specifically relate to the common chiller system. These conditions are annotated in Tables 3 through 6.

Both the Hydrolysis Reactor #2 and the PVA Slurry Tank #3 are subject to the Miscellaneous Organic NESHAP (MON) rule (i.e. they are part of the Miscellaneous Organic Chemical Process Unit and are in compliance with the MON). However, these tanks do not have requirements under the MON because neither of the vents meets the definition of "batch process vent" in 40 CFR 63.2550. This is consistent with information originally submitted in the Solutia, Inc. MON notification of compliance status, dated October 7, 2008. Per paragraph (8) of the "batch process vent" definition, the Hydrolysis Reactor #2 and PVA Slurry Tank #3 vent streams individually emit less than 200 lb/yr of uncontrolled hazardous air pollutants (HAPs). Further, under 40 CFR 63.2460(c), process condensers (i.e. returning material back to the process vessel) are not considered to be control devices for batch process vents and, therefore, emissions post-condenser are still considered "uncontrolled" for MON purposes.

A top down Best Available Control Technology (BACT) analysis was performed for the control systems proposed for the Hydrolysis Reactor #2 and the PVA Slurry Tank #3. This analysis assumed a 100% capture efficiency for Volatile Organic Compounds (VOC) and HAPs on both the Hydrolysis Reactor #2 and PVA Slurry Tank #3. The existing condenser on the Hydrolysis Reactor #2 has a VOC and HAP control efficiency of 99% at design VOC loading rates. The existing condenser on the PVA Slurry Tank #3 has a VOC and HAP control efficiency of 95% at design VOC loading rates. To identify BACT for this project, Solutia considered adding a second control technology to follow each of the existing condensers. The control technologies that were considered included use of an afterburner; carbon adsorption; a wet scrubber; or biological treatment. The only feasible add-on control technology was determined to be a non-re-generable carbon adsorption system with a control efficiency of 95%. However, this additional control was determined to be cost-prohibitive. Therefore, one hundred percent (100%) capture efficiency and use of the existing glycol chilled condensers at 99% (Hydrolysis

¹ Two (2) VOC Reasonably Available Control Technology (310 CMR 7.18 (17)) Plan Approvals dated April 14, 1987 and August 25, 1987 as well as a Consent Decree: *United States of America versus Solutia, Inc. and INEOS Melamines, LLC* dated May 2, 2013.

Reactor #2) and 95% removal efficiency (PVA Slurry Tank #3) were determined to be BACT for this project.

Solutia estimated VOC and HAP emissions from the Hydrolysis Reactor #2 and the PVA Slurry Tank #3 by using emission factors² that were generated by Solutia using the Aspen Plus version 8.4 and HTRI version 6.0 modeling software. These emission factors were used to determine the potential to emit (PTE) for the process units and the subsequent proposed emission limits.

Solutia Inc. is an existing major stationary source of VOCs pursuant to the Emission Offsets and Nonattainment Review regulations of *310 CMR 7.00: Appendix A* because the facility has the potential to emit more than 50 tons per year of VOCs. Therefore, the facility must calculate the net emissions increase for VOCs from the proposed changes to determine the applicability of *310 CMR 7.00: Appendix A*. The facility has demonstrated that the replacement of Hydrolysis Reactor #2 and the PVA Slurry Tank #3 will not have a significant net emission increase for VOCs and is therefore not a major modification as defined in *310 CMR 7.00: Appendix A*. As a result, the project will not be subject to *310 CMR 7.00: Appendix A*.

² Emission factors are in pounds of VOC per batch (lb_{VOC}/batch) and pounds of HAP per batch (lb_{HAP}/batch).

2. **EMISSION UNIT (EU) IDENTIFICATION**

Each Emission Unit (EU) identified in Table 1 is subject to and regulated by this Plan Approval:

EU	Description	Pollution Control Device (PCD)
142 S04 (Stack 142 P901)	Hydrolysis Reactor #2 102 inch diameter Containing polyvinyl acetate and PVA Manufactured in 2016	Existing shell/tube 4-Pass chilled glycol condenser; 192 ft ² of surface area; manufactured in 1987
142 S04 (Stack 142 P902)	PVA Slurry Tank #3 105 inch diameter Containing PVA Manufactured in 2016	Existing shell/tube 4-Pass chilled glycol condenser; 96.1 ft ² of surface area; manufactured in 1987

Table 1 Key:

EU = Emission Unit Number
PCD = Pollution Control Device

ft² = feet squared
PVA = polyvinyl alcohol

3. APPLICABLE REQUIREMENTS

A. OPERATIONAL, PRODUCTION and EMISSION LIMITS

The Permittee is subject to, and shall not exceed the Operational, Production, and Emission Limits as contained in Table 2:

Table 2			
EU	Operational / Production Limit	Air Contaminant	Emission Limit¹
142 S04 (Stack 142 P901)	1. Condenser Coolant flow ≥ 35 gal/min; 2. Chiller Coolant temperature at chiller supply/outlet ≤ 29°F; 3. Design control efficiency of 99%.	VOC	0.924 lb _{VOC} /batch 1.0 TPY 0.2 TPM
		Total HAP	0.003 lb _{total HAP} /batch 0.002 TPY 0.001 TPM
142 S04 (Stack 142 P902)	4. Condenser Coolant flow ≥ 20 gal/min; 5. Chiller Coolant temperature at chiller supply/outlet ≤ 29°F; 6. Design control efficiency of 95%.	VOC	0.745 lb _{VOC} /batch 2.0 TPY 0.4 TPM
		Total HAP	0.001 lb _{total HAP} /batch 0.001 TPY 0.001 TPM

Table 2 Key:

EU = Emission Unit Number

TPM = tons per month

TPY = tons per consecutive 12-month period

gal/min = gallons per minute

HAP (total) = total Hazardous Air Pollutants

VOC = Volatile Organic Compounds

°F = degrees Fahrenheit as averaged over a one (1) hour period

% = percent

Table 2 Notes:

1. Emission limits are for normal operations and do not include process upsets or malfunctions.

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to, and shall comply with, the monitoring, testing, record keeping, and reporting requirements as contained in Tables 3, 4, and 5:

Table 3	
EU	Monitoring and Testing Requirements
142 S04 Stack # 142 P901	1. To document compliance with the emission limitations contained in Table 2 above, the Permittee shall monitor on a monthly basis the number of batches processed through the Hydrolysis Reactor #2. The number of batches may be calculated based on the number of PK batches.
142 S04 Stack # 142 P902	2. To document compliance with the emission limitations contained in Table 2 above, the Permittee shall monitor on a monthly basis the number of batches processed through the PVA Slurry Tank #3. The number of batches may be calculated based on the number of PK batches.
142 S04 Stack # 142 P901 142 P902	3. The Permittee shall install and maintain instrumentation to monitor the circulating coolant flow rate through each chilled condenser, take readings approximately every 30 days, except during periods of a process shut down, and adjust the flow (to the set point) as needed..
	4. For compliance testing purposes, the Permittee shall construct each condenser so as to accommodate the emissions testing requirements of 310 CMR 7.13.
142 S04 Chiller System	5. The Permittee shall install and maintain instrumentation to continuously monitor the circulating coolant temperature at the chiller supply/outlet. The temperature (°F), for purposes of demonstrating compliance with Table 2 Operational Limits, shall be averaged on an hourly block basis.
	6. The Permittee shall monitor and record the circulating coolant temperature at the chiller supply/outlet for at least 95% of the hours per calendar quarter that the process equipment operates, except for periods of calibration checks, zero and span adjustments, and preventive maintenance.
	7. The Permittee shall install and maintain an alarm system that will give an audible and visual indication to the control room operator whenever the circulating coolant temperature measured at either chiller supply/outlet is greater than 29°F. The alarm system shall operate at all times that the process equipment operates except for periods of calibration checks, zero and span adjustments, preventive maintenance, and malfunction(s). The control room operator will take immediate corrective action if the circulating coolant temperature taken at the chiller supply/outlet is greater than 29°F.
	8. The Permittee shall install, operate and maintain a no flow alarm system to the circulating coolant supply flow. The no flow alarm system shall operate at all times that the process equipment operates except for periods of calibration checks, zero and span adjustments, preventative maintenance and malfunction(s). The alarm must give an audible and visual indication to the control room operator of a no flow condition.
	9. The Permittee shall test the chiller coolant temperature alarm and the coolant no flow alarm monthly.

Table 3	
EU	Monitoring and Testing Requirements
Facility-wide	10. If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and Regulation 310 CMR 7.13.
	11. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.

Table 3 Key:

EU = emission unit number

EPA = United States Environmental Protection Agency

MassDEP = Massachusetts Department of Environmental Protection

CMR = Code of Massachusetts Regulations

°F = degrees Fahrenheit

% = percent

Table 3 Notes:

1. Requirements 5-9 on Table 3 apply to the common chiller system serving EUs 142 S01, 142 S04, 142 S08, 142 S09, 142 S10, 142 S13 and 142 S15 and supersede all Monitoring and Testing requirements for the common chiller system on any previous Approval.

Table 4	
EU	Record Keeping Requirements
<u>142 S04</u> Stack # 142 P901	1. The Permittee shall record on a monthly basis the number of batches processed through the Hydrolysis Reactor #2. The number of batches may be calculated based on the number of PK batches.
<u>142 S04</u> Stack # 142 P902	2. The Permittee shall record on a monthly basis the number of batches processed through the PVA Slurry Tank #3. The number of batches may be calculated based on the number of PK batches.
<u>142 S04</u> Stack # 142 P901 142 P902	3. The Permittee shall record the circulating coolant flow rate through each chilled condenser approximately every 30 days, except during periods of a process shut down.
<u>142 S04</u> Chiller System	4. The Permittee shall keep records of the coolant temperature (°F), averaged on an hourly block period, monitored at the chiller supply/outlet.
	5. The Permittee shall keep a log of all temperature and no flow alarms for the chiller unit coolant supply (including alarm testing), the date, time and cause of the alarm, corrective actions taken, and when the chiller unit resumed normal operation.

Table 4	
EU	Record Keeping Requirements
Facility-wide	6. The Permittee shall maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Table 2 above. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve-month period (current month plus prior eleven months). These records shall be compiled no later than the 15 th day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at http://www.mass.gov/eea/agencies/massdep/air/approvals/limited-emissions-record-keeping-and-reporting.html#WorkbookforReportingOn-SiteRecordKeeping .
	7. The Permittee shall maintain records of monitoring and testing as required by Table 3.
	8. The Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date SOMP for the EU(s) and PCD(s) approved herein on-site.
	9. The Permittee shall maintain a record of routine maintenance activities performed on the approved EU(s), PCD(s) and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.
	10. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EU(s), PCD(s) and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.
	11. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	12. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.
	13. The Permittee shall make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.

Table 4 Key:

EU = Emission Unit Number	PCD = Pollution Control Device
SOMP = Standard Operating and Maintenance Procedure	USEPA = United States Environmental Protection Agency
°F = degrees Fahrenheit	CMR = Code of Massachusetts Regulations
MassDEP = Massachusetts Department of Environmental Protection	

Table 4 Notes:

Requirements 4-5 on Table 4 apply to the common chiller system serving EUs 142 S01, 142 S04, 142 S08, 142 S09, 142 S10, 142 S13, and 142 S15 and supersede all Recordkeeping requirements for the common chiller system on any previous Approval.

Table 5	
EU	Reporting Requirements
142 S04 Stack # 142 P901 142 P902	1. The Permittee shall prepare and submit reports for each calendar quarter (Jan.-March; April-June; July-Sept.; Oct.-Dec.) within 15 days after the end of the quarter, documenting chiller operation and flows, any alarm event(s), reasons for the alarm(s), corrective action taken in response to the alarm(s), and an evaluation if any SOMP changes are required to prevent future occurrences.
142 S04 Chiller System	2. For each chilled condenser, a measured circulating coolant flow rate that is lower than 80% of the set-point flow rate shall be a deviation and reported within the timelines in Provision 4 (below).
Facility- wide	3. The Permittee shall submit to MassDEP all information required by this Plan Approval over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	4. The Permittee shall notify the Western Regional Office of MassDEP, BAW Permit Chief by telephone: 413-755-2115, email: marc.simpson@massmail.state.ma.us or fax : 413-784-1149, as soon as possible, but no later than three (3) business days after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted to the Permit Chief at MassDEP within ten (10) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).
	5. The Permittee shall report annually to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.
	6. The Permittee shall provide a copy to MassDEP of any record required to be maintained by this Plan Approval within 30 days from MassDEP's request.
	7. The Permittee shall submit to MassDEP for approval a stack emission pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.
	8. The Permittee shall submit to MassDEP a final stack emission test results report, within 45 days (or in accordance with MassDEP air contaminate emission guidelines) after emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.

Table 5 Key:

EU = Emission Unit Number	MassDEP = Massachusetts Department of Environmental Protection
CMR = Code of Massachusetts Regulations	BAW = Bureau of Air & Waste
SOMP = Standard Operating and Maintenance Procedure	% = percent

Table 5 Notes:

Requirement 2 on Table 5 applies to the common chiller system serving EUs 142 S01, 142 S04, 142 S08, 142 S09, 142 S10, 142 S13, and 142 S15 and supersedes all Reporting requirements for the common chiller system on any previous Approval.

4. **SPECIAL TERMS AND CONDITIONS**

The Permittee is subject to, and shall comply with, the following special terms and conditions:

- A. The Permittee is subject to and shall comply with the Special Terms and Conditions as contained in Table 6:

Table 6	
EU	Special Terms and Conditions
<u>142 S04</u> Stack # <u>142 P901</u> <u>142 P902</u>	1. The glycol chilled condenser for each unit shall operate at all times that the associated process equipment is operating.
	2. The Permittee shall maintain the Hydrolysis Reactor #2 and the PVA Slurry Tank #3 in accordance with the manufacturer's recommendations and must, to the extent practicable, maintain and operate each piece of equipment in a manner consistent with good air pollution control practice for minimizing emissions.
	3. The Permittee shall inspect and maintain components on the Hydrolysis Reactor #2 and the PVA Slurry Tank #3 (including the mechanical seals) per the Facility's Leak Detection and Repair (LDAR) Program.
	4. In accordance with 310 CMR 7.02(8)(a)2., the Permittee shall operate and maintain each chilled Condenser in accordance with the manufacturer's recommendations or in accordance with other written procedures in order to ensure that it is operated at its design heat transfer efficiency.
	5. The Permittee shall ensure that an amendment be made to the current operating permit renewal application to incorporate this current Plan Approval #WE-16-018.
	6. Any prior Plan Approvals issued under 310 CMR 7.02 for EU 142 S04 shall remain in effect unless specifically changed or superseded by this Plan Approval. The Facility shall not exceed the emission limits and shall comply with approved conditions specified in the prior Plan Approval(s) unless specifically altered by this Plan Approval. The Provisions in this Plan Approval #WE-16-018 Tables 3, 4, 5 and 6 for EU 142 S04 P901 and P902 supersede previous approvals.

Table 6 Key:

EU = Emission Unit Number
 VOC = Volatile Organic Compounds
 HAP (total) = total Hazardous Air Pollutants.
 TPY = tons per consecutive 12-month period

% = percent
 CMR = Code of Massachusetts Regulations
 TPM = tons per month

- B. The Permittee shall install and use an exhaust stack, as required in Table 7, on each of the Emission Units that is consistent with good air pollution control engineering practice and that discharges so as to not cause or contribute to a condition of air pollution. Each exhaust stack shall be configured to discharge the gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gases, including but not limited to rain protection devices known as “shanty caps” and “egg beaters.”³
- C. The Permittee shall install and utilize exhaust stacks with the following parameters, as contained in Table 7, for the Emission Units that are regulated by this Plan Approval:

Table 7				
EU	Stack Height Above Ground (feet)	Stack Inside Exit Dimensions (feet)	Stack Gas Exit Velocity Range¹ (feet per second)	Stack Gas Exit Temperature Range¹ (°F)
142 S04 (Stack 142 P901)	74.6	0.17	0 - 15	ambient
142 S04 (Stack 142 P902)	74.1	0.17	0 - 45	ambient

Table 7 Key:

EU = Emission Unit Number

°F = Degree Fahrenheit

Table 7 Notes:

1. Stack gas exit velocity and temperature ranges are nominal and are based on operating conditions. These are not monitored or recorded.

³ An exception is made with the preceding sentence in this Plan Approval for the use of an end of line pressure/vacuum conservation vent.

5. GENERAL CONDITIONS

The Permittee is subject to, and shall comply with, the following general conditions:

- A. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).
- B. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.
- C. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.
- D. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and / or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
- E. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.
- F. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.
- G. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.
- H. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that any condition or part of this Plan Approval is being violated.
- I. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.
- J. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between

provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

6. MASSACHUSETTS ENVIRONMENTAL POLICY ACT

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy & Environmental Affairs, for air quality control purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and 301 CMR 11.00, Section 11.04, provide certain “Fail-Safe Provisions,” which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

7. APPEAL PROCESS

This Plan Approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Plan Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the Plan Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

This request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Should you have any questions concerning this Plan Approval, please contact Amy Stratford by telephone at 413-755-2144, or in writing at the letterhead address.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Marc Simpson
Permit Chief
Bureau of Air and Waste

Enclosure

ecc: MassDEP/Boston - Yi Tian
MassDEP/WERO – Peter Czapienski